

CORRECTION NOTICE

Please make the following correction(s) in the opinion in the case of:

Title: *Env't Law & Policy Ctr. v. Iowa Utils. Bd.*

Supreme Court No.:
22-0385

Filed:
April 28, 2023

Page No.: 4

Line(s) No.: 1 from top

Was:

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Should Read:

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setting in a variety of contexts. *See, e.g., id.* § 476.6(11) (regarding the recovery of costs for natural gas procurement), (12) (regarding the recovery of costs of fuel for electric generation), (17) (regarding recovery of replacement tax costs).

Iowa Code section 476.6(19) relates to “power generating facilities fueled by coal.” In enacting this provision, it was “the intent of the general assembly that the state, through a collaborative effort involving state agencies and affected generation owners, provide for compatible statewide environmental and electric energy policies with respect to regulated emissions from rate-regulated electric power generating facilities . . . that are fueled by coal.” *Id.* § 476.6(19)(a). To advance that purpose, covered utilities are required to “develop a multiyear plan and budget for managing regulated emissions from [their] facilities in a cost-effective manner.” *Id.* Covered utilities were required to submit an initial plan to the Iowa Utilities Board by April 1, 2002. *Id.* § 476.6(19)(a)(1). Covered utilities must file updates to the plan and budget with the board “at least every twenty-four months” thereafter. *Id.* For the purposes of this appeal, we refer to the initial plan and budget and subsequent updates as the “Emissions Plan and Budget” (EPB).

The board considers the EPB in a “contested case proceeding pursuant to chapter 17A,” the Iowa Administrative Procedure Act. *Id.* § 476.6(19)(a)(3). The Iowa Department of Natural Resources (IDNR) and the Office of the Consumer Advocate (OCA) are required parties to the contested case proceeding. *Id.* IDNR’s role is limited. IDNR “shall state whether” the EPB “meets applicable state environmental requirements for regulated emissions.” *Id.* § 476.6(19)(a)(4). If the



IOWA APPELLATE COURTS

State of Iowa Courts

Case Number
22-0385

Case Title
Environmental Law and Policy Center v. Iowa Utilities Bd

So Ordered

A handwritten signature in black ink, appearing to read "Chris McDonald", is written over a horizontal line.

Christopher McDonald, Justice

Electronically signed on 2023-06-29 09:02:56